

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

MERCEXCHANGE, L.L.C.,

Plaintiff,

Civil Action No. 3:07-mc-00004-bwc

v.

EBAY, INC., and HALF.COM, INC.,

(Case No. 2:01cv736, Pending in the United  
States District Court for the Eastern District of  
Virginia)

Defendants.

**RESPONDENT ALFRED WEAVER AND MERCEXCHANGE, L.L.C.'S MOTION TO  
QUASH DEPOSITION AND DOCUMENT SUBPOENAS**

Pursuant to Fed. R. Civ. P. 26(c) and 45(c), Respondent Alfred Weaver ("Weaver") and the plaintiff in the underlying action, MercExchange, L.L.C. ("MercExchange"), respectfully request that the Court quash the subpoena *duces tecum* and deposition subpoenas served by Defendants eBay, Inc. and Half.com, Inc. (collectively "defendants" or "eBay") upon Dr. Weaver. Defendants' subpoenas blatantly violate the limited scope of discovery authorized by the Trial Court in the underlying litigation, and should not be enforced by this Court. The grounds for this motion are set forth in detail in the accompanying brief in support and in Dr. Weaver's and MercExchange's brief in opposition to defendants' motion to compel.

FEB 12 2007  
JOHN F. CORCORAN, CLERK  
BY [Signature]  
DEPUTY CLERK

Dated: February 9, 2007

Respectfully submitted,

ALFRED WEAVER, Ph.D., and  
MERCECHANGE, L.L.C.,

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Alfred Weaver

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of February, 2007, I caused a copy of the foregoing  
**RESPONDENT ALFRED WEAVER AND MERCEXCHANGE, L.L.C.'S MOTION TO  
QUASH DEPOSITION AND DOCUMENT SUBPOENAS** to be served as follows:

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